

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

MICHAEL KRAMER,)
Plaintiff,)
vs.)
THE CITY OF NEW KENSINGTON; THE)
NEW KENSINGTON POLICE DEPT.;)
ANTHONY GRILLO, in their individual)
Capacities; RUSSELL BAKER, in their)
Individual and official capacities;)
GARY SCHUBERT, in their individual and)
official capacities; WILLIAM WEBER,)
Arnold Police Dept.; in their individual and)
official capacities; ARNOLD POLICE)
DEPT.,)
Defendants.)
)

) Civil Action No. 13-606
)

) Judge Joy Flowers Conti/
Magistrate Judge Maureen P. Kelly

ORDER

AND NOW, this 4th day of April, 2014, after the Plaintiff, Michael Kramer (“Plaintiff”), filed an action in the above-captioned case, and after the Defendant, William Weber, filed a Motion to Dismiss, ECF No. 42, and after a Report and Recommendation was filed by the United States Magistrate Judge giving the parties until March 27, 2014, to file written objections thereto, and no objections having been filed, and upon independent review of the record, and upon consideration of the magistrate judge’s Report and Recommendation, which is adopted as the opinion of this Court,

IT IS HEREBY ORDERED that the Motion to Dismiss filed on behalf of William Weber [ECF No. 42] is granted with regard to Plaintiff's Eighth Amendment excessive use of force claim, Fourth Amendment excessive use of force claim, and due process claims, but is denied in all other respects.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order a notice of appeal, as provided in Federal Rule of Appellate Procedure 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

/s/ Joy Flowers Conti
JOY FLOWERS CONTI
Chief United States District Judge

cc: Honorable Maureen P. Kelly
United States Magistrate Judge

Michael Kramer
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All Counsel of Record Via CM-ECF